



INTERIOR BOARD OF INDIAN APPEALS

Ute Indian Tribe of the Uintah and Ouray Indian Reservation, et al.
v. Western Regional Director, Bureau of Indian Affairs

40 IBIA 85 (08/24/2004)

Related Board case:
38 IBIA 288



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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SUITE 300
ARLINGTON, VA 22203

UTE INDIAN TRIBE OF THE UINTAH	:	Order Dismissing Appeal
AND OURAY INDIAN RESERVATION,	:	as Moot
FIDELITY INVESTORS III LIMITED	:	
PARTNERSHIP AND FIML NATURAL	:	
RESOURCES, LLC, and JOHN P.	:	
JURRIUS,	:	
Appellants,	:	Docket No. IBIA 03-64-A
	:	
v.	:	
	:	
WESTERN REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee.	:	August 24, 2004

Appellants the Ute Indian Tribe of the Uintah and Ouray Indian Reservation (Tribe), Fidelity Investors III Limited Partnership and FIML Natural Resources, LLC, and John P. Jurrius, sought review of a January 10, 2003, decision by the Western Regional Director, Bureau of Indian Affairs (Regional Director; BIA). The Regional Director's decision concluded that BIA approval was not required for agreements entered into by Appellants relating to the exploration and development of oil and gas resources on certain lands owned in fee simple by the Tribe. The lands at issue were formerly part of Naval Oil Shale Reserve Numbered 2 (NOSR-2), and had been transferred to the Tribe by the United States pursuant to Section 3405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, Pub. L. No. 105-261, 112 Stat. 1920, 2267 (1998), as amended by section 3403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Pub. L. No. 106-398, 114 Stat. 1654, 1654A-484 (2000).

On March 2, 2004, Congress enacted the Native American Technical Corrections Act of 2004 (NATCA), Pub. L. No. 108-204, 118 Stat. 542. Section 129 of NATCA further amended section 3405 of Public Law No. 105-261, and provides, with respect to the NOSR-2 lands conveyed to the Tribe, that notwithstanding any other law, "no purchase, grant, lease, or other conveyance of the land (or any interest in the land), and no exploration, development, or other agreement relating to the land that is authorized by resolution by the governing body of the Tribe, shall require approval by the Secretary of the Interior or any other Federal official." 118 Stat. 547.

On July 15, 2004, the Board of Indian Appeals (Board) received from the Regional Director a copy of section 129 of NATCA and a suggestion that the enactment had rendered this appeal moot. On July 16, 2004, the Board issued an order allowing interested parties to respond on or before July 30, 2004, to the suggestion of mootness. The Board received no responses.

Therefore, pursuant to the authority delegated to it by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board dismisses this appeal as moot.

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Robert S. More
Director, Office of Hearings and Appeals
Ex Officio Member